

REMARKS

I. Introduction

In response to the Final Office Action dated May 14, 2003, claim 1 has been amended. Claims 1, 3, 4, 11, and 15 remain in the application. Previously withdrawn claims 2, 5-7, 9-10, 12-14, and 16-18 have been cancelled. Reconsideration of the application, as amended, is respectfully requested.

II. Examiner Interview

Applicants gratefully acknowledge the comments and suggestions offered by Examiners Clow and Moran during a telephonic interview held with Applicants' undersigned representative on August 20, 2003. During that interview, the discussion centered on the 35 U.S.C §112 enablement rejection. It was agreed upon that amendment to include the language "full complement" in part b of claim 1 and the cancellation of part c), d), and g) would render the claims free of the prior art.

III. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims. These amendments to the claims are supported by the application as originally filed, and entry of these amendments is respectfully requested.

Claim 1 has been amended to recite the full complement of SEQ ID NO: 214 for clarity.

IV. Non-Art Rejections

A. Rejections under 35 U.S.C. § 112, First Paragraph

On page 2, of the Office Action, claims 1, 3, 4, 11, and 15 were rejected under 35 U.S.C. § 112, First Paragraph, as allegedly containing subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner alleges that the

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specification contains no guidance of how to practice the embodiments of the invention. Applicant's respectfully traverse this rejection.

The Examiner contends that no guidance is provided as to how one could practice the present invention. The specification is replete with guidance on how one of skill in the art could use the claimed invention to, for example, diagnose ovarian cancer. See Specification pp. 85-93. Moreover, the Examiner contends that SEQ ID No:214 of O1034C/O591S is only mentioned once in the present application. As asserted previously, this sequence is recited on pages 3, 4, 9, 11, 13, 26, 104, 105, and 106-108. Further, applicants disclose that O591S SEQ ID NO: 199 is more than four fold over-expressed in ovarian tumors as compared to normal tissue. See Specification p. 108 lines 8-11.

Notwithstanding the data showing the ovarian cancer specific expression of O591S, the Examiner contends that this tumor specific expression applies only to SEQ ID NO: 199 and not the O1034C/O591S consensus sequence SEQ ID NO: 214 which was formed from SEQ ID NO: 199 and SEQ ID No. 210. However, the present application teaches that the consensus sequence, SEQ ID No:214 of O1034C/O591S, is expressed in ovarian tumors. Specifically, the specification teaches that in a Northern Blot analysis with single stranded probes specific for O1034C/O591S, the probes specifically hybridized to all ovary tumor samples probed. See Specification p. 108.

As further evidence that the present application provides sufficient description to enable one skilled in the art to make and/or use the invention, Applicants provide herewith the Declaration of Raymond L. Houghton, Ph.D. Dr. Houghton is familiar with the research that discovered the over expression of SEQ ID NOS 199, 210, and 214 in ovarian cancer. Based upon the description provided in the specification of the present application, Dr. Houghton's team was able to design primers and probes that correctly detected ovarian cancer in multiple samples taken from patients with ovarian cancer. Importantly, these primers and probes did not detect ovarian cancer in samples obtained from healthy subjects and patients with a cancer other than ovarian cancer. See Declaration, ¶¶ 3, 4, & 6. Dr. Houghton's work shows that the present disclosure provides adequate written description to enable one of skill in the art to make and use the claimed invention.

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V. Prior Art Rejections.

A. Rejections Under 35 U.S.C. § 102

On page 4 of the Office Action, claims 1, 3, 4, 11, and 15 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by McKee et al. (Genomics (1997) vol.46, no.3, pages 426-434). The Examiner contends that this reference teaches at least 20 contiguous residues of SEQ ID NO: 214. In order to expedite prosecution of the claims, claim 1 has been amended to remove references to sequences having at least 20 contiguous residues of SEQ ID NO: 214 and is therefore free of the cited art.

The Commissioner is authorized to charge any fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 50-0597.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Corixa Corporation



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EMB:kje

Enclosure:

Declaration of Raymond L. Houghton
Form PTO/SB/21
Form PTO/SB/17
Form PTO/SB/22
Postcard

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